

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Revenue Department – Village Administration – Nizamabad – Smt.Ch.Kalavathi, W/o Late Ch.Narayana, VAO, Laxmapoor Village, Varni Mandal, Nizamabad District – Appointed as Office Subordinate on compassionate grounds – Ratification in relaxation of Rule-12 of APVAO Rules, 1990 – Orders – Issued.

REVENUE (VA) DEPARTMENT

G.O.Rt.No. 185.

Dated 09-02-2009

Read the following:

1. From the Collector, Nizamabad District Letter No.A2/864/95, dated 15.5.1995.
2. From the CLR, Hyderabad Ref.Lr.No.A3/779/95, dated 29.5.1996 along with a copy of Collector, Nizamabad Letter No.A2/864/95, dated 8.4.1996
3. Government Memo.No.46560/VO.I/95-4, dated 20.3.1997.
4. From the Collector, Nizamabad District Letter No.A2/864/95, dated 18.10.1999.
5. Government Memo.No.77027/VO.I/99-3, dated 19.3.2001.
6. From the APAT, Hyderabad order dated 30.4.2001 in O.A.No.2959/2001 filed by Smt.Ch.Kalavathi.
7. Government Memo.No.77027/VO.I/99-3, dated 16.5.2001.
8. From the Collector, Nizamabad District Letter No.A2/4551/2004, dated 26.10.2004 along with orders of APAT dated 16.9.2004 in O.A.No.2959/2001.
9. Government Memo.No.77027/VO.I/99-11, dated 7.3.2005.
10. From the Collector, Nizamabad District Letter No.A2/5795/2004, dated 16.6.2006 along with orders of APHC dated 04.01.2006 in W.P.No.150/2006 filed by the District Collector, Nizamabad.
11. Government Memo.No.77027/VO.I/99-15, dated 17.10.2006.
12. From the APAT O.A.No.7416/2006 filed by Smt.Ch.Kalavathi, Attender, Varni Mandal, Nizamabad District.
13. From Chief Minister's office CMP No.1774/2007, dated 17.2.2007.
14. From the Collector, Nizamabad District Letter No.A2/5795/2004, dated 03.02.2009.
15. Copy of Letter No.Rev/851/APLC/SO/JA(GS)/2007, dated 24.4.2008 of Special Officer for Advocate on Records, New Delhi.
16. Copy of Judgement in SLP filed by the Collector, Nizamabad against the orders of APHC in W.P.No.150/2006.

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ORDER:

In the reference 1st read above, the Collector, Nizamabad District has stated that Sri Ch.Narayana, Village Administrative Officer, Laxmapur Village, Varni Mandal of Nizamabad District was killed by extremists on 14.02.1995. The Collector, Nizamabad has appointed Smt.Ch.Kalavathi, second wife of the deceased Village Administrative Officer, as Attender (Office Subordinate) in the existing vacancy in Revenue Department on compassionate grounds as a special case in order to provide immediate relief to the bereaved family and requested the Government to ratify the action in having appointed the spouse of the deceased Village Administrative Officer i.e., Smt.Ch.Kalavathi as Attender. As per the report of the Collector the second marriage was performed before

appointment of the deceased as Village Administrative Officer. Further, appointment of second wife of the deceased as Attender has been made after obtaining the consent of his first wife. In the reference 2nd read above, the Commissioner of Land Revenue, A.P., Hyderabad had requested to consider the proposal of the Collector, Nizamabad District.

2. The post of Village Administrative Officer is governed by Andhra Pradesh Village Administrative Officers Service Rules, 1990. As per Rule-12 of the said Rules, the spouse / dependent children of a Village Administrative Officer, who dies in harness before attaining the age of 62 years, shall be appointed as Village Administrative Officer, provided that, there is no other earning member in the family of such deceased Village Administrative Officer and an application is made in this regard within a period of one year from the date of death of such Village Administrative Officer and also she/he is educationally qualified. The post of Village Administrative Officer is a Part-time temporary one and the provisions of general rules for the State & Subordinate Services or any other rules shall not apply to the post.

3. There is no provision for appointment of the dependents of the deceased Village Administrative Officers to the post of Attender, which is a regular post under Andhra Pradesh Last Grade Service Rules. Hence, in the reference 3rd read above, Government had informed the Collector, Nizamabad that the appointment of Smt.Ch.Kalavathi as Attender on compassionate grounds was not in conformity with Rule-12 of APVAOs Service Rules, 1990 and requested to cancel the irregular appointment. Accordingly, the Collector has cancelled the appointment of the individual in his Procs.No.A2/1475/01, dated 5.4.2001.

4. Aggrieved by the same, Smt.Ch.Kalavathi had filed O.A.No.2959/2001 in the APAT and the Hon'ble Tribunal in its order-dated 16.9.2001 disposed off the O.A. suspending the orders of the Collector in canceling the appointment order of the applicant and directed the respondent to continue the applicant as Attender since the applicant worked for more than (10) years as Attender. In the reference 9th read above, the Collector, Nizamabad was directed to file an appeal before the High Court. The Collector has filed W.P.No.150/2006 against the orders of APAT dated 16.9.2001 in O.A.No.2959/2001. The Hon'ble High Court in its orders dated 04.01.2006 in W.P.No.150/2006 had ordered that the APAT's order under challenge is not required to be interfered within exercise of the extraordinary jurisdiction of the Court under Article 226 of the Constitution of India for the reason that, the decision of the Government refusing to relax Rule-12 of the rules referred to earlier appears to be wholly irrational in the background of the facts mentioned in the Judgement.

5. In the reference 11th read above, the Collector, Nizamabad District was requested to file SLP before the Supreme Court of India against the orders of Andhra Pradesh High Court dated 04.01.2006 in W.P.No.150/2006.

6. In the reference 14th read above, the District Collector, Nizamabad has stated that the Advocate-on-Record, Supreme Court of India in his Letter dated 24.4.2008 has communicated a copy of Supreme Court order dated 28.01.2008 and informed that the SLP filed against the orders of High Court in W.P.No.150/2006 was dismissed on the ground of delay as well as on merits. The Collector has further stated that the Hon'ble APAT in its orders dated 20.6.2007 in O.A.No.7416/2006 filed by Ch.Kalavathi, Attender has directed to treat the applicant as a regularly appointed candidate and pass necessary orders within a period of (8) weeks from the date of receipt of the orders. The Collector has stated that when consulted, the Government Pleader, A.P. Administrative Tribunal, has

stated that the filing of Counter affidavit in O.A.No.7416/2006 is contrary to the contents of the High Court Judgement due to non-implementation of the orders of the APAT dated 20.6.2007 in O.A.No.7416/2006. In the meanwhile, Smt.Ch.Kalavathi, Attender had filed C.A.No.516/2008 in O.A.No.7416 of 2006.

7. The Collector has stated that in view of the orders of APAT dated 20.6.2007 in O.A.No.7416/2006, the Revenue Divisional Officer, Bodhan, Nizamabad District has issued orders regularizing the services of Smt.Ch.Kalavathi, presently working as Office Subordinate at Tahsil Office, Kotagiri, with effect from 21.3.1995 i.e., from the date of her appointment. The Collector has stated that the Revenue Divisional Officer had requested to consider the case of the individual on humanitarian grounds and to avoid the contempt order of Andhra Pradesh Administrative Tribunal for regularizing the services of the individual and also requested to ratify his action in having regularized the services of Smt.Ch.Kalavathi as Office Subordinate with effect from 21.03.1995.

8. The District Collector, Nizamabad has therefore, requested the Government to ratify the action in having appointed and regularized the services of Smt.Ch.Kalavathi, Officer Superintendent by the Revenue Divisional Officer, Bodhan in view of the orders of APAT / High Court / Supreme Court of India in the matter.

9. Government, after careful examination and keeping in view the orders of APAT / High Court / Supreme Court of India in the matter hereby consider the proposal of the District Collector, Nizamabad to ratify the action in having appointed and regularized the services of Smt.Ch.Kalavathi as Office Subordinate with effect from 21.03.1995 i.e., from the date of her appointment as Office Subordinate, in relaxation of Rule-12 of the then Andhra Pradesh Village Administrative Officers Service Rules, 1990.

10. Accordingly, the Government hereby ratify the action of the District Collector, Nizamabad in having appointed and regularized the services of Smt.Ch.Kalavathi as Office Subordinate with effect from 21.03.1995 i.e., from the date of her appointment as Office Subordinate, in relaxation of Rule-12 of the then Andhra Pradesh Village Administrative Officers Service Rules, 1990.

11. The Chief Commissioner of Land Administration, A.P., Hyderabad / District Collector, Nizamabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, A.P., Hyderabad
The Collector & District Magistrate, Nizamabad District
The individual through the District Collector, Nizamabad
Copy to:
The District Treasury Officer, Nizamabad District
The PS to Prl.Secy to CM / PS to M(Revenue) / PS to Prl.Secy.(AM)
Sf/Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER